

1 SEC. 7. Nothing in this Act shall be construed to revive any cause
2 of action, previously barred by the provisions of sections herein
3 amended, prior to the effective date of this Act.

Approved March 13, 1961.

CHAPTER 287

SERVICE OF PROCESS ON FOREIGN CORPORATIONS

H. F. 576

AN ACT relating to service of process on foreign corporations.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section six hundred seventeen point three (617.3),
2 Code 1958, is hereby amended by adding thereto the following:
3 "If a foreign corporation makes a contract with a resident of
4 Iowa to be performed in whole or in part by either party in Iowa,
5 or if such foreign corporation commits a tort in whole or in part
6 in Iowa against a resident of Iowa, such acts shall be deemed to
7 be doing business in Iowa by the foreign corporation for the purpose
8 of service of process or original notice on such foreign corporation
9 and shall be deemed to constitute the appointment by the foreign
10 corporation of the secretary of state of the state of Iowa and his
11 successors to be its true and lawful attorney upon whom may be
12 served all lawful process or original notice in actions or proceedings
13 against the foreign corporation arising from or growing out of
14 such contract or tort. The making of the contract or the committing
15 of the tort shall be deemed to be the agreement of the foreign
16 corporation that any process or original notice against it which is
17 so served upon the secretary of state shall be of the same legal
18 force and effect as if served personally within the state of Iowa."

Approved May 6, 1961.

CHAPTER 288

ADMISSIBILITY OF RECORDS AS EVIDENCE

S. F. 202

AN ACT to repeal sections six hundred twenty-two point twenty-eight (622.28) and six hundred twenty-two point twenty-nine (622.29), Code 1958, relating to admissibility of records as evidence and to enact a substitute therefor.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Sections six hundred twenty-two point twenty-eight
2 (622.28) and six hundred twenty-two point twenty-nine (622.29),
3 Code 1958, are hereby repealed and the following enacted in lieu
4 thereof:
5 "Any writing or record, whether in the form of an entry in a book,
6 or otherwise, including electronic means and interpretations thereof,

7 offered as memoranda or records of acts, conditions or events to
 8 prove the facts stated therein, shall be admissible as evidence if the
 9 judge finds that they were made in the regular course of a business
 10 at or about the time of the act, condition or event recorded, and that
 11 the sources of information from which made and the method and cir-
 12 cumstances of their preparation were such as to indicate their trust-
 13 worthiness, and if the judge finds that they are not excludable as evi-
 14 dence because of any rule of admissibility of evidence other than the
 15 hearsay rule.

16 Evidence of the absence of a memorandum or record from the
 17 memoranda or records of a business of an asserted act, event or
 18 condition, shall be admissible as evidence to prove the non-occurrence
 19 of the act or event, or the non-existence of the condition, if the judge
 20 finds that it was in the regular course of that business to make such
 21 memoranda of all such acts, events or conditions at the time thereof
 22 or within a reasonable time thereafter, and to preserve them.

23 The term business, as used in this section, includes business, pro-
 24 fession, occupation, and calling of every kind."

Approved April 19, 1961.

CHAPTER 289

REAL ESTATE MORTGAGES

S. F. 450

AN ACT to amend chapter six hundred twenty-eight (628), Code 1958, to permit mortgagors and mortgagees of real property of less than ten (10) acres in size to reduce the period of redemption after foreclosure sale by agreement and by waiver of deficiency judgment.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Chapter six hundred twenty-eight (628), Code 1958,
 2 is hereby amended by adding the following new section thereto:

3 "The mortgagor and the mortgagee of real property consisting of
 4 less than ten (10) acres in size may agree and provide in the mortgage
 5 instrument that the period of redemption after sale on foreclosure of
 6 said mortgage as set forth in section six hundred twenty-eight point
 7 three (628.3) be reduced to six (6) months, provided the mortgagee
 8 waives in the foreclosure action any rights to a deficiency judgment
 9 against the mortgagor which might arise out of the foreclosure pro-
 10 ceedings. In such event the debtor will, in the meantime, be en-
 11 titled to the possession of said real property; and if such redemption
 12 period is so reduced, for the first three (3) months after sale such
 13 right of redemption shall be exclusive to the debtor, and the time
 14 periods in sections six hundred twenty-eight point five (628.5), six
 15 hundred twenty-eight point fifteen (628.15), and six hundred twenty-
 16 eight point sixteen (628.16), shall be reduced to four (4) months."

Approved April 7, 1961.